

## Enabling Authority Changes Effective August 28, 2004

Senate Bill 1249 codified Executive Order 03-27 (Missouri First) into statute by expanding the preference given by state bodies to Missouri businesses. Sections 34.010 and 34.070 RSMo were repealed and three new sections known as 34.010, 34.070, and 34.363 were enacted.

34.010. 1. The term "department" as used in this chapter shall be deemed to mean department, office, board, commission, bureau, institution, or any other agency of the state, except the legislative and judicial departments.

**2. The term "lowest and best" in determining the lowest and best award, cost, and other factors are to be considered in the evaluation process. Factors may include, but are not limited to, value, performance, and quality of a product.**

**3. The term "Missouri product", refers to goods or commodities, which are manufactured, mined, produced, or grown by companies in Missouri, or services provided by such companies.**

4. The term "negotiation" as used in this chapter means the process of selecting a contractor by the competitive methods described in this chapter, whereby the commissioner of administration can establish any and all terms and conditions of a procurement contract by discussion with one or more prospective contractors.

[3.] 5. The term "purchase" as used in this chapter shall include the rental or leasing of any equipment, articles or things.

[4.] 6. The term "supplies" used in this chapter shall be deemed to mean supplies, materials, equipment, contractual services and any and all articles or things, except for utility services regulated under chapter 393, RSMo, or as in this chapter otherwise provided.

**7. The term "value", includes, but is not limited to price, performance, and quality. In assessing value, the state purchaser may consider the economic impact to the state of Missouri for Missouri products versus the economic impact of products generated from out of state. This economic impact may include the revenues returned to the state through tax revenue obligations.**

34.070. In making purchases, the commissioner of administration **or any agent of the state with purchasing power**, shall give preference to all commodities and tangible personal property manufactured, mined, produced or grown within the state of Missouri and to all firms, corporations or individuals doing business as Missouri firms, corporations or individuals, when quality is equal or better and delivered price is the same or less. The commissioner of administration **or any agent of the state with purchasing power**, may also give such preference whenever competing bids, in their entirety, are comparable.



**34.363. 1. The commissioner of the office of administration shall compile a listing of Missouri products and provide access to such listing to all state government agencies, public institutions of higher education, and other interested parties. The commissioner of the office of administration shall also make efforts to identify and give notice of state government bidding opportunities to Missouri manufacturers or service providers. Further, the commissioner of the office of administration shall ensure state agencies follow the requirements of this section and the Missouri preference provisions set forth in this chapter.**

**2. State government agencies shall make a good faith search of Missouri companies that provide Missouri manufactured products or services.**

**3. Upon request of a Missouri company who applied for but was not awarded the state contract, the state department which awarded the contract shall prepare a written explanation within twenty days of the award explaining why the Missouri manufacturer or service provider did not receive the award.**